Reg. No. KL/TV(N)/12



# KERALA GAZETTE

## SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 25th May 1982 / 4th Jyaistha 1904 (Saka) [No. 21

## PART I

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Kerala Gazette No. 21 dated 25th May 1982.
PART I

# GOVERNMENT OF KERALA

## Abstract

KERALA STATE HOUSING BOARD—PAYMENT OF EX-GRATIA IN LIEU OF BONUS TO THE EMPLOYEES OF THE BOARD (INCLUDING THE DEPUTATIONISTS)—MODIFIED ORDERS—ISSUED.

## HOUSING (A) DEPARTMENT

G. O. MS. 13/82/Housing. *Dated, Trivandrum, 20th April* 1982.

*Read*:—1. G. O. MS. No. 123/80/Housing dated 14-11-1980.
2. Correspondence resting with the letter No. Ad2-11443/81 dated 12-11-1981 from the Secretary, Kerala State Housing Board, Trivandrum.

## ORDER

In the Government Order read as first paper, it was ordered that the Kerala State Housing Board will be deemed to be a public sector undertaking coming within the purview of the Payment of Bonus Act, 1965 and that a minimum bonus of 8⅓% will be paid to the eligible employees of the Board for the year 1979-80. Government are now legally advised that the Kerala State Housing Board does not come within the definition "Establishment in Public Sector" and that there is also no provision in the Payment of Bonus Act, 1965 empowering the Government to deem any establishment or undertaking as on "Establishment in Public Sector" for the purposes of the Act. It has also been specifically held that the Housing Board does not satisfy any of the conditions mentioned in section 20 of the Payment of Bonus Act, 1965. The obvious result is that the Kerala State Housing Board cannot be deemed as a public sector undertaking or the employees of the Board held to be entitled to bonus under the provisions of the Payment of Bonus Act.

2. Having considered the different aspects of the issues involved, Government order that:

(1) In modification of para 1 of the Government Order read as first paper, ex-gratia payment of 8⅓% will be allowed to the employees of the Kerala State Housing Board for the year 1979-80 ;

(2) Ex-gratia payment of $8\frac{1}{3}\%$ will be allowed for the year 1980-81 in lieu of the bonus paid by the Board following the orders in G.O. Rt. No. 951/81/Labour dated 30-7-1981 ; and

(3) The Kerala State Housing Board shall not pay bonus or make any ex-gratia payment to its employees without specific orders from Government, in future.

By order of the Governor,
K. C. SANKARANARAYANAN,
*Special Secretary.*

To

The Secretary, Kerala State Housing Board, Trivandrum.
The Accountant General, Kerala, Trivandrum.
The Examiner of Local Fund Accounts, Trivandrum.
The Labour Commissioner, Trivandrum.
The Finance Department (vide their U.O. Note No. 64957/PUC2/81/Fin. dated 16-9-1981).
The Labour Department.
The Law Department (vide their U. O. Note No. 3033-D3/82/Law dated 12-3-1982).
The Legislature (PUC) Secretariat.
The General Administration (SC.) Department.
The Confidential Assitsant to Special Secretary (Housing).
The Confidential Assistant to Join Secretary (Housing).

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Kerala Gazette No. 21 dated 25th May 1982.
PART I

# GOVERNMENT OF KERALA

## Labour (A) Department

## NOTIFICATION

G. O. (Rt.) No. 172/82/LBR. *Dated, Trivandrum, 24th February 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Manager, Kerala Electricals and Allied Engineering Company, Mamala P. O. and their workmen represented by the General Secretary, KEL Employees Union, Reg. No. 198/71, Mamala P. O., Cochin-682035 received by Government on 19-2-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
*Deputy Secretary.*

**In the Labour Court, Ernakulam**
Dated this the 16th day of February, 1982

*Present:*

SHRI N. SUKUMARAN, B. SC., B. L.
*Presiding Officer*

*In*

INDUSTRIAL DISPUTE No. 319 of 1979

*Between*

The Manager, Kerala Electricals and Allied Engineering Company, Mamala P. O.

*And*

The workmen of the above concern represented by the General Secretary, KEL Employees Union, Reg. No. 198/71, Mamala P. O., Cochin 682035

*Representations:*

| | |
|---|---|
| Shri B. S. Krishnan, Advocate Ernakulam | .. For *Management* |
| M/s K. Balachandran and M. Jayakumar, Advocates, Ernakulam | .. For *Union* |

## AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 1364/79/L & H dated 26-9-1979 is "Withholding of 3 annual increments of worker Shri K. P. Purushan".

2. Pleadings have been advanced on either side and the case was coming up for evidence. Then it was reported by both sides that the matter is amicably settled out of court. An endorsement is also made by the learned counsel appearing on behalf of the Union to the effect that the dispute had been settled and therefore the claims are not pursued further. In view of the settlement there remains no industrial dispute available for adjudication. An award is passed holding that there is no subsisting industrial dispute for adjudication.

N. SUKUMARAN,
*Presiding Officer.*

Ernakulam,
16-2-1982.

Kerala Gazette No. 21 dated 25th May 1982.

**PART I**

GOVERNMENT OF KERALA

**Labour (A) Department**

NOTIFICATION

**G. O. (Rt.) No. 290/82/LBR.** *Dated, Trivandrum, 22nd March 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Management of Shri M. C. Joseph, Mankuzhithundiyil House, Kalamassery, Ernakulam District and their workmen represented by the General Secretary, Ernakulam District Motor Workers Union (INTUC), Toll Gate, Edappally, Cochin-24 received by Government on 18-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
*Deputy Secretary.*

**In the Labour Court, Ernakulam**

Dated this the 12th day of March, 1982.

*Present :*

SHRI N. SUKUMARAN, B. SC., B. L.

*Presiding Officer*

*In*

INDUSTRIAL DISPUTE No. 87 of 1980

*Between*

Shri M. C. Joseph, Mankuzhithundiyil House, Kalamassery, Ernakulam District

*And*

The workman of the above employer represented by the General Secretary, Ernakulam District Motor Workers Union (INTUC) Toll Gate, Edappally, Cochin-24

*Representations:*

M/s M. V. Joseph & A. V. Xavier, Advocates, Ernakulam .. For *Management*

M/s M. Ramachandran & K. R. B. Kaimal, Advocates, Cochin-17. .. For *Union*

GA. 62/L.

## AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 1212/80/LBR dated 22-8-1980 is "Denial of employment to Shri P. A. Narayanan, Driver from Lorry KLK 2650 with effect from 18-7-1976."

2. In the charter of demands appended to the reference it is complained that Shri Narayanan, who had put in 12 years continuous service as a driver of Lorry KLK. 2650 belonging to the Management, was denied employment without any valid reasons. In the clarification statement filed by the Union it is stated that his services were arbitrarily terminated in July 1976. Reinstatement with all benefits is what is claimed.

3. The Management in its written statement admits that Shri Narayanan was employed as a Driver in KLK 2650. The contention is that Shri Narayanan was irregular in attending to his duties. Even then he was entertained and given work whenever he turned up. But on 19-3-1976 he garaged the vehicle in an automobile workshop and did not turn up thereafter. At the stage of conciliation Shri Narayanan was offered work again provided he was prepared to give an undertaking that he will be earnest and regular in his duties. He was not prepared to accept the offer. This is a case where Shri Narayanan has voluntarily abandoned the job. So he is not entitled to any benefits.

4. The main point arising for consideration is as to whether there was a denial of work or a voluntary abandonment. The evidence consists the testimony of the owner of the lorry as MW1, Shri Narayanan's evidence as WW1 and Exts. M1 to M5.

5. It is common case that MW1 had only one lorry. That was a very old model. It is also the common case that this lorry being old required frequent repairs. The management's case is that Shri Narayanan used to take up employment under other owners neglecting his work with this Management. Ext. M4 is a letter admittedly written by Shri Narayanan on 24-11-1975. There he had categorically admitted that he had abandoned this Management from 3-11-1975 and taken up employment elsewhere. He had also expressed his regret for having done so and undertaken therein that he will not repeat such irregularities. In the evidence also Shri Narayanan had admitted that he used to drive other vehicles also when he was under the employment of MW1. Ext. M5 is said to be a copy of a reply issued by MW1 to the Union at the stage of conciliation. Ext. M5 (a) is said to be the postal receipt under which the original was despatched by registered post. There MW1 is seen to have offered to continue to employ Shri Narayanan provided he is prepared to behave properly. WW1 also had admitted in his evidence that there was such an offer to the Union. His case is that MW1 did not honour his commitment when he again reported for duty. Exts. M1 to M3 are admittedly G. V. Rs. maintained in relation to this lorry. WW1 admits that he used to make entries in the G. V. R. whenever he drove this lorry. The last entry made by WW1 in Ext. M3 is on 1-3-1976. There is no case that subsequent entries were made in any other book. So the case that he was working till July 1976 and there was a

denial on 18-7-1976 cannot be true. From the available evidence it can safely be concluded that Shri Narayanan who was in the habit of abandoning the work repeated the performance once again in March 1976 as contended by the Management. So I hold that there was no denial and that it is a case of voluntary abandonment. Shri Narayanan, therefore, is not entitled to any reliefs.

6. In the result an award is passed to the effect that there was no denial of employment and therefore the employee Shri P. A. Narayanan is not entitled to any reliefs.

Munnar,
12-3-1982.

N. SUKUMARAN,
*Presiding Officer.*

**Appendix**

*Witness examined on the Union's side:*

WW1 Shri Narayanan

*Witness examined on the Management's side:*

MW1 Shri M. C. Joseph

*Exhibits marked on the Management's side:*

Ext. M1 Goods Vehicle Record of KLK 2650 from 2-7-1975.
,, M2 do. 21-11-1975.
,, M3 do. 11-3-1976.
,, M4 A petition dated 24-11-1975 from Shri P. A. Narayanan to Shri M. C. Joseph.
,, M5 Copy of letter dated 31-7-1976 from Shri M. C. Joseph to the Union.
,, M5 (a) Postal receipt dated 31-7-1976.

Kerala Gazette No. 21 dated 25th May 1982
**PART I**

# GOVERNMENT OF KERALA

## Labour (A) Department

### NOTIFICATION

G.O. (Rt.) No. 305/82/LBR. *Dated, Trivandrum, 25th March 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between the General Manager, Travancore Rayons Ltd., Rayonpuram-683543 and their workman Shri P. I. Varghese, Parampath House, Chellamattom, Okkal P. O., (Via) Perumbavour received by Government on 23-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
*Deputy Secretary.*

**In the Labour Court, Ernakulam**

Dated this the 12th day of March, 1982

*Present*

SHRI N. SUKUMARAN, B. SC., B. L.,

*Presiding Officer*

*In.*

INDUSTRIAL DISPUTE No. 8 OF 1981

*Between*

The General Manager, Travancore Rayons Ltd., Rayonpuram-683543

*And*

The workman of the above concern Shri P. I. Varghese, Parampath House, Chellamattom, Okkal P. O., (Via) Perumbavoor.

*Representations:—*

M/s. Menon & Pai, Advocates, Ernakulam. .. For *Management*

M/s. M. Ramachandran & K. R. B. Kaimal, Advocates, Cochin-17. .. For *Workman*

G. A. 64/L.

## AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 218/81/LBR dated 11-2-1981 is "Dismissal of Shri P. I. Varghese."

II. Disciplinary proceedings were initiated by the Management against Shri Varghese and a domestic enquiry was conducted into the charges after obtaining his explanations. The Enquiry Officer gave a verdict that Shri Varghese is guilty of the charges. The Management awarded the punishment on the basis of those findings.

III. The Management is defending its action by saying that Shri Varghese is really guilty as found in the domestic enquiry. Shri Varghese on the other hand is attacking the domestic enquiry as one held in violation of all principles of natural justice. In view of the rival contentions the question as to whether there was a valid and proper domestic enquiry was tried by me as a preliminary issue. I found in my order dated 9-11-1981 that there was a proper and valid domestic enquiry. The findings of the Enquiry Officer were also confirmed by me. Necessary facts have been narrated in detail in that order which I shall here re-produce so as to make it a part of this award:—

"ORDER

Dismissal of Shri P. I. Varghese is the issue involved in this reference.

2. Disciplinary proceedings were initiated against Shri Varghese alleging that he on 6-6-1979 at about 7.50a.m. manhandled his superior officer Shri V. Thampi, a Supervisor, during duty hours in the premises of the factory and thereby committed the misconduct falling under Standing Order 18 (2) (1) of the Certified Standing Orders applicable. These disciplinary proceedings were initiated on a written complaint submitted by Shri Thampi before the Management. The Management conducted a preliminary investigation and placed Shri Varghese under suspension finding that there was a prima facie case. Formal charge-sheet was issued to which Shri Varghese submitted his explanation stating that he is innocent and that Shri Thampi was the aggressor. One of the Officers of the Company who conducted the domestic enquiry, rendered a finding that Shri Varghese is guilty of the charge. The dismissal followed on the basis of that finding.

3. In the charter of demands appended to the reference it is alleged that Shri Varghese is innocent of the charge of assault on the Supervisor. It is further alleged that the punishment even assuming that the misconduct is true, is disproportionate and therefore unsustainable. Reinstatement is claimed with all benefits.

4. The Management in its written statement defends its action by saying that Shri Varghese was found guilty of having assaulted a superior officer within the premises of the factory during working hours. The misconduct, according to the Management, is grave and nothing short of dismissal is adequate punishment. The misconduct was well established in a properly conducted domestic enquiry. Shri Varghese had participated

in the enquiry and availed of the opportunity to defend himself. There are no reasons to interfere with the punishment awarded.

5. The validity of the domestic enquiry was tried as a preliminary issue. It was conceded on behalf of Shri Varghese that it is unnecessary to examine the Enquiry Officer. The domestic enquiry papers produced by the Management is accepted as genuine by the workman. So the file containing those papers was marked as Ext. M1 on admission. Arguments were heard on the basis of admitted facts contained in Ext. M1.

6. The point arising for consideration at this stage is as to whether there was a proper domestic enquiry. The workman was served with a charge. He submitted his explanation. The workman participated in the enquiry throughout. He submitted before the Enquiry Officer that he does not want the assistance of anyone else and that he will defend himself. He cross-examined all the five witnesses examined on behalf of the Management elaborately. He examined six witnesses on his side. He did not want to adduce any further evidence. The Enquiry Officer gave his findings after considering the evidence available. There is no irregularity in any of the procedure adopted by the Enquiry Officer. So the enquiry to that extent is proper.

7. One complaint is that the enquiry was conducted by one of the Officers and not by an outside agency. There is nothing irregular in an Officer of the Management conducting a domestic enquiry as the very term "domestic enquiry" implies an internal affair. Another complaint is that the Enquiry Officer himself acted as the prosecutor in the absence of any presenting officer. It is true that there was no presenting officer. The Management's witnesses were examined in chief by the Enquiry Officer himself. The defence witnesses were cross examined by the Enquiry Officer. The argument is that the Enquiry Officer was acting as the Prosecutor also. It is well settled that there is nothing improper in adopting such a course. So this complaint has also no force.

8. The learned counsel appearing on behalf of the workman argued before me with reference to certain observations made by the Enquiry Officer during the course of the enquiry that the Enquiry Officer was biased against the workman. Shri Varghese wanted the time cards of the witnesses to be produced at the enquiry. Those cards were not easily available with the Management. Reference to that effect is made at page 45 of Ext. M1. The Enquiry Officer is seen to have remarked there that the time card is likely to have been removed by somebody interested. This remark, according to the learned counsel for the workman, is unwarranted and is an indication from which it can be inferred that the Enquiry Officer was out to help the Management. It is true that the above remark is not on any reasonable basis. But that did not affect the workman in any way as it can be seen from page 58 of Ext. M1 that the concerned time card had since been traced out and produced. The workman was also satisfied that there was nothing favourable for him in the time card. So this criticism is also not of any serious consequence.

9. The main complaint of the workman is that the available evidence was not properly appreciated by the Enquiry Officer. The main defence at the enquiry was that Shri Varghese is an innocent victim of assault at the hands of Shri Thampi, the Supervisor and the Management utilised this opportunity to get rid of Shri Varghese. But such a defence is not seen taken in the charter of demands or the rejoinder filed before this court. There is only a denial of the allegations of the charge in the charter of demands and the rejoinder. It is not known as to why the defence taken at the domestic enquiry is not repeated before this Court and in the charter o. demands. However we are concerned with the correctness of the finding at the domestic enquiry and so the defence taken there can be treated as available even now. There is no case for the workman that the Management had any special reason to victimise him. It is the admitted case that there was an incident at the relevant time involving Shri Varghese and Shri Thampi. The dispute is as to who was the aggressor. Shri Thampy's case is that he was manhandled by Shri Varghese. To that effect he had filed a complaint before the Management. But Shri Varghese who claims that Shri Thampi assaulted him, did not file any such complaint. The fact that Shri Varghese did not raise any written complaint before the Management is a circumstance that goes against him.

10. Shri Thampi is the first witness for the Management. He speaks of the motive for Shri Varghese to attack him. What is stated by him is that Shri Varghese was earlier issued with a charge-sheet on the basis of a report filed by him that Shri Varghese was found sleeping on duty hours. According to this witness Shri Varghese approached him at the relevant time asking him why such a report was filed and gave him a slap on his left cheek. He fell down. Then Shri Varghese hit him several times on his hip region. Some others interfered, dragged away Shri Varghese and prevented further unpleasant developments. Shri Varghese did not challenge the correctness of any of the statement made by this witness. The only question suggested in the cross examination is that there was a compromise in which it was undertaken not to raise a complaint on the incident. The second witness Shri Sabharathinam is another Supervisor. It was to this Supervisor that Shri Thampi ran for shelter and reported the details soon after the incident. This witness speaks of that aspect. He has also stated that he had occasion to see Shri Varghese walking to the dressing room from the scene soon after the incident. It is the admitted case that Shri Varghese was sometime thereafter seen lying near the scene of incident and later he was removed to the hospital in an ambulance summoned by the second witness. The case of Shri Varghese is that Shri Thampi attacked him. On that attack he fell unconscious and he regained his consciousness only later in the hospital. It is to speak of that incident that the defence witnesses have been examined. But the 2nd witness was not cross-examined by Shri Varghese. So the statement of the 2nd witness that Shri Thampi was seen walking away from the scene after the incident stands unchallenged. The third witness Shri Madhava Menon is the Production Manager of the Company. He has no direct knowledge regarding the incident. What is

stated by him is that he had conducted a preliminary investigation and found that Shri Varghese was the aggressor. So his evidence is not much material. Witness Nos. 4 and 5 for the Management are two other workers. They corroborate Shri Thampi on his claim that Shri Varghese was the aggressor. These two witnesses further say that Shri Varghese who went away soon after the incident came back and remained lying on the floor near the scene of incident pretending that he was unconcious.

11. The six defence witnesses are all co-workers of Shri Varghese. They were working under Shri Thampi. All of them have stated that Shri Thampi is an undesirable element treating the workers in the most inhuman manner and that Shri Varghese is a perfect gentleman. They have attempted to say that things occured as pleaded by Shri Varghese. But they were not so precise in that attempt. The first witness Shri Ramachandran Nair states that Shri Thampi came and asked Shri Varghese to follow him. Soon after he heard some sound. When he looked back attaracted by that sound he saw Shri Thampi and Shri Varghese engaged in a tussle at the end of which both fell down. He did not see anyone of them beating the other. But he states clearly in cross examination that he did not see Shri Thampi attacking Shri Varghese. But the second witness for the defence Shri Prasanna Kumar categorically states that Shri Tnampi started the attack. But he states that Shri Thampi did not fall. This witness who claims to have been in the company of the first witness also looked back to see the incident attracted by some sound. The details spoken to by him does not agree with those of the first witness. The third witness for the defence has only hear say information regarding the details. But he had admitted that the various union leaders have advised Shri Varghese to tender an apology to the Supervisor and thus settle the matter. The 4th witness has also stated that he did not see the details. The 5th witness says that there was exchange of blows between the two. The 6th witness, who was stated in chief examination that Shri Thampi started attacking Shri Varghese, confessed in cross-examination that he did not see Shri Thampi beating Shri Varghese. This in short is the evidence.

12. Now we have two sets of witnesses speaking differently regarding the same incident. The question is as to which of the two can be accepted as representing the true state of affairs. As already mentioned there was an incident involving the two. Shri Varghese had a motive whereas the supervisor had no such motives. Shri Varghese was in the company of large number of his co-workman. Those workmen are seen to have been available for defending Shri Varghese soon after the incident itself. It is in evidence that they raised a protest against the Supervisor's refusal to summon an ambulance to carry Shri Varghese to the hospital. Half a dozen of co-workers have given evidence that Shri Thampi, the Supervisor, is not in their good books. So it is not probable for Shri Thampi, a Supervisor, to have thought of attacking Shri Varghese in the immediate presence of Shri Varghese's co-workers. Shri Thampi had filed a complaint before the Management whereas Shri Varghese did not do so. In the normal course

Shri Varghese also would have preferred a complaint if he had a genuine grievance that he was an innocent victim of an attack at the hands of the Supervisor. Certain suggestions made by Shri Varghese in the cross-examination of the 4th witness gains importance in this connection. I shall extract the question and answers as such:-

Question by Varghese: ആദ്യം തല്ലിയത് ആരാണ്?
Answer: വർഗീസാണ്.
Question: രണ്ടാമതു തമ്പി സാറ് തല്ലിയോ?
Answer: ഞാൻ കണ്ടില്ല. തല്ലിയില്ല.

The trend of the above cross-examination is an indication as to what Shri Varghese wanted to establish. The suggestion is that Shri Thampi only returned a blow. The trend of the evidence of the defence witnesses is also to be examined in this background. None of them have clearly stated that Shri Thampi was the aggressor. It may be true that the version of the Management's witnesses that Shri Thampi did not return the blow may not be correct. It may further be true that the Management's version that Shri Thampi was staging an act of unconsciousness may or may not be correct. But the available evidence is more in favour of coming to the conclusion that Shri Varghese was the aggressor. The case of the witnesses for the Management that Shri Varghese gave a slap on the face of Shri Thampi to start the incident can safely be accepted. Even if it is assumed that Shri Thampi returned a blow it will not mitigate the gravity of the act of Shri Varghese as every man has a right of private defence to prevent an aggressor from repating acts of violence. So the conclusion of the Enquiry Officer that Shri Varghese was guilty of manhandling Shri Thampi, the Supervisor is correct and proper. The finding to that effect is also hereby upheld.

13. In the result it is hereby ordered that there was a proper and valid domestic enquiry. The finding at the domestic enquiry is also confirmed."

IV. The workman has raised a technical question on the basis of Section 73 of the Employees' State Insurance Act (Act XXXIV of 1948) (hereinafter referred to as the Act) that the dismissal is invalid. Evidence was let in on that aspect after the preliminary order at which stage the workman gave evidence as WW1 and produced and proved Exts. W1 to W3. The Management examined two witnesses and proved Exts. M2 to M5. Section 73 of the Act reads as follows:-

"73. Employer not to dismiss or punish employee during period of sickness, etc. — (1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit, or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations to arise out of the pregnancy or confinement rendering the employee unfit for work.

(2) No notice of dismissal or dischargo or reduction given to an employee during the period specified in subsection (1) shall be valid or operative."

The case pleaded by the workman is that he was in receipt of sickness benefit from 16-7-1979 to 23-7-1979 from the Employees' State Insuranco Corporation and Ext. W1 dismissal order was served on him by registered post during that interval on 18-7-1979. Ext. W1(a) is the cover in which Ext. W1 order admittedly was served on Shri Varghese. The cover shows that it was registered on 17-7-1979. The claim that it was served on Shri Varghese on the next day is not disputed. The answer of the Management is that Shri Varghese was not really ill and that he had actually reported for duty as usual at 10 p.m. on 16-7-1979 and the dismissal order was attempted to be served on him at that time through the Time Office and he left without accepting the same and therefore it was despatched by registered post the next day. Section 73 of the Act is therefore not applicable, according to the Management.

V. The controversy is now as to whether Shri Varghese was in receipt of sickness benefits on 18-7-1979. (There is no case that he was in receipt of any disablement benefit). Shri Varghese in his evidence as WW1 admits that he was working in the night shift which started at 10 p.m. on 15-7-1976. He states that he was suffering from fever on the next day and therefore he entered on E.S.I. leave. He relies on Ext. W3 certificate obtained from the E.S.I. Dispensary, Perumbavoor in support of this claim. Ext. W2 E.S.I. card is produced to show that Ext. W3 relates to him.

VI. MW1 was the Time Keeper of the Management Company at the relevant time. He swears that he had attempted to serve Ext. W1 dismissal order on Shri Varghese and that Shri Varghese refused to accept the same. Ext. M3 is the log book maintained at the Time Office of the Company during the period with which we are concerned. MW1 has proved that book in which Ext. M3 (a) entry made by him on 16-7-1979 states that Ext. W1 order was refused by Shri Varghese when it was offered to him at 10 p.m. on 16-7-1979. This witness had also proved Ext. M2 report forwarded by him to the Personnel Manager on 16-7-1979 itself regarding this refusal. MW2, the Personnel Manager has given evidence that he wrote the original of Ext. M5 letter to the concerned E.S.I. Dispensary to ascertain whether Shri Varghese was in receipt of any sickness benefit during the period in question and that he had received Ext. M4 reply which states that no sickness benefit was given. This in short is the available evidence.

VII. The argument advanced on behalf of the Management is that Shri Varghese had obtained Ext. W3 certificate on false representations in order to raise a contention like this at a later stage. It is the further case of the Management that no intimation was issued to it regarding the claims that Shri Varghese was sick and in receipt of benefits from the E.S.I. Corporation at any point of time. Ext M4 is relied on by the Management

as sufficient proof of the fact that Shri Varghese was not in receipt of any benefits during the crucial period.

VIII. The learned counsel appearing on behalf of the workman has an argument that Ext. M4 is not properly proved and therefore it is not acceptable. Exts. M2 and M3 are also not genuine, according to the learned counsel. The attack against those documents is that they are cooked up for the purpose of this case.

IX. The entire claim of the workman rests on Ext. W3. He states that he had personally handed over a copy of the same received from the E.S.I. Dispensary to the Time Office of the Management on the 17th. The Management denies this allegation. Ext. W3 itself gives sufficient data to say that the claim of the workman on this aspect is not true. I say so because Ext. W3 is dated 23-7-1979. Ext. W3 is a fitness certificate issued on 23-7-1979 to the effect that the workman is fit to resume work the next day. No doubt there is an entry in it in the beginning that the date of the first certificate of the sickness was on 16-7-1979. But that certificate is significantly absent. The workman's evidence is that copy of Ext. W3 is the one that was produced at the Time Office on 17-7-1979. Evidently copy of Ext. W3 could not have been produced before 23-7-1979. Ext M3 is seen to be a book regularly kept in the ordinary course of business wherein entries relating to transactions are made then and there. A perusal of the book is sufficient to inspire confidence in it. Ext. M3 (a) entry is also seen to have been made in the ordinary course. There is nothing there to indicate that it is a later insertion. This is not a case where the workman was placed under suspension pending enquiry. He was working till the early hours of 16-7-1979 as usual. If the Management was actually aware that he was on E.S.I. leave and receipt of sickness benefit from the E.S.I. Corporation then there was no necessary for the Management to rush up with the dismissal as it could very well have waited to serve the dismissal order after the period of E.S.I. leave if any. The Management had nothing to gain by making false records that the dismissal order was attempted to be served on the 16th itself. Ext. M4 certificate is also issued from the Local Office of the E.S.I. Corporation. If the workman is sure that he was paid sickness benefits then it was possible for him to cause the production of the relevant records evidencing payment of the same. The particulars of the payment and the date on which benefit was received are not spoken to by the workman in his evidence. So we have to accept Ext. M4 when it says that no sickness benefits were paid to Shri Varghese for the interval 16-7-1979 to 23-7-1979. The version of the Management has to be accepted in these circumstances and I hold that Shri Varghese was not in receipt of sickness benefits during the crucial period. Hence the contention advanced by the workman on the basis of Section 73 of the Act is not really available for him. So the dismissal order cannot be treated as null and void.

X. Now remains the question as to whether the workman is entitled to any reliefs in the matter of punishment using the discretion vested in me by Section 11-A of the Industrial Disputes Act. No bad antecedents are attributed to Shri Varghese. This circumstance is relied on by the learned

counsel appearing on behalf of Shri Varghese to argue that the maximum penalty of dismissal is not in any event sustainable. Some lesser punishment will be adequate according to the learned counsel. On the other hand the learned counsel appearing on behalf of the Management argued that attacking a superior officer in the presence of other workmen in the factory during working hours is a serious misconduct for which nothing less than dismissal will be adequate. This is a case where the superior officer was attacked for the reason that he had forwarded an adverse report regarding Shri Varghese's conduct. The attack was in retaliation. Such a conduct cannot in any way be tolerated by any Management. Continued employment of a worker who is guilty of a misconduct like this will affect the discipline in the establishment. So Shri Varghese cannot under any circumstances be reinstated. The proved misconduct is so serious that he does not deserve any other reliefs. Hence the dismissal has to be confirmed and I do so. In the result an award is passed confirming the dismissal of Shri P. I. Varghese.

(Camp) Munnar,
12-3-1982.

N. SUKUMARAN,
*Presiding Officer.*

**Appendix**

*Witnesses Examined on the Management's side:*

MW1 Shri A. P. Venugopal.
MW2 ,, Chitharanjan.

*Witness examined on the workman's side:*

WW1 Shri P.I. Varghese.

*Exhibits marked on the Management's side:*

Ext. M1. The file containing the domestic enquiry papers.
,, M2. A communication dated 16-7-79 from Shri A.P. Venugopal Time Office to the Personnel Manager.
,, M3. Log book of the Company from 14-5-1979.
,, M3(a) Page 52 of Ext. M3.
,, M4. A letter dated 1-12-1981 from the Local Office, E.S.I. Corporation, Perumbavoor to the Management.
,, M5. Copy of a letter dated 1-12-1981 from the Management to the Local Office, E.S.I.C., Perumbavoor.

*Exhibits marked on the Workman's side:*

Ext. W1. A memorandum dated 16-7-1979 from the Management to Shri P.I. Varghese, dismissing him from service.
,, W1(a) A cover addressed to Shri P.I. Varghese in which Ext. W1 was sent.
,, W2. Identity card of E.S.I. Corporation issued to Shri P.I. Varghese.
,, W3. A certificate dated 23-7-1979 issued to Shri P.I. Varghese from the E.S.I. Dispensary, Perumbavoor.

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Kerala Gazette No. 21 dated 25th May 1982.
**PART I**



# GOVERNMENT OF KERALA

## Law (II) Department

## NOTIFICATION

G. O. (P) 46/82/Law. *Dated, Trivandrum, 6th May* 1982.

The Government of Kerala hereby make the following further amendments to the Kerala Legal Aid and Advice to the Poor and Conduct of their Cases Rules, 1978 issued in G.O. (P) 35/78/Law dated the 28th February, 1978 and published in the Kerala Gazette No. 12 dated the 21st March, 1978 namely:—

AMENDMENTS

In the said rules,—

(1) in rule 2, in clause (f), for the figures "300", the figures "400" shall be substituted;

(2) in rule 4, in clause (b) of sub-rule (1), for the figures "300", the figures "400" shall be substituted.

By order of the Governor,

P. GOPINATHA PILLAI,

*Deputy Secretary (Law).*

G. 699

Kerala Gazette No. 21 dated 25th May 1982
PART I

# GOVERNMENT OF KERALA

## Abstract

PORT DEPARTMENT—THE KERALA MECHANISATION EXISTING SAILING VESSELS AND CONSTRUCTION OF NEW MECHANISED SAILING VESSELS—LOAN RULES 1968—AMENDMENT ISSUED.

## TRANSPORT, FISHERIES & PORTS (G) DEPARTMENT

G. O. (Rt) No. 382//82/TF& PD. *Dated, Trivandrum, 28th April* 1982.

*Read:*—1. G.O. (Rt.) No. 1157/68/PW dated 12-6-1968.
2. G.O. (Rt.) No. 606/70/PW dated 15-5-1970.
3. G.O. (Rt.) No. 143/82/TF & PD dated 24-2-1982.
4. Letter No. SW/MSV-20/81-MF dated 13-1-1982 from the Government of India, Ministry of Shipping and Transport (Shipping Wing), New Delhi.
5. Letter No. A2/7072/80, dated 20-3-1982 from the Director of Ports.

## ORDER

The following further amendment is issued to "the Kerala mechanisation of existing sailing vessels and construction of new mechanised sailing vessels loan rules, 1968" issued as per the Government Orders read as first to third papers above.

2. In the said Rules, for rule IV (2), the following shall be substituted namely:—

"(2) the loan shall bear interest at 6¼% (six and one fourth per cent) per annum with a rebate of ¼% (one fourth per cent) for timely repayment and interest payments or at such rate as the Government may prescribe from time to time, provided that a concessional rate of interest at 6% (six per cent) alone will be charged in cases where the loan amount and the interest payable thereon are repaid on the due dates, provided also that in the event of default in repayment of loan/interest payable on loan, penal interest at the rate of 2½% (two and a half per cent) per annum shall be levied in addition to the normal rate of 6¼% (six and one fourth per cent)."

This amendment shall come into force with effect from 1-6-1981.

By order of the Governor,
A. S. PRABHAKARA PANICKER,
*Joint Secretary.*

[P.T.O.]

To

The Director of Ports.

The Accountant General, Kerala (This order issues with the concurrence of the Finance Department).

The Finance Department—Vide their U. O. No. 3281/AW-C3/82/Fin. dated 23-4-1962.

# GOVERNMENT OF KERALA

## Law (Legislation-Publication) Department

## NOTIFICATION

No. 16330/Leg. Pbn. 2/81-II/Law. *Dated, Trivandrum, 16th November* 1981.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II-Section 1, dated the 19th September, 1981, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 19th September, 1981.

By order of the Governor,
K. Viswanathan Nair,
*Special Secretary (Law).*

## THE INCOME-TAX (SECOND AMENDMENT) ACT, 1981
(No. 38 of 1981)

*An*

*Act*

*further to amend the Income-tax Act,* 1961.

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Income-tax (Second Amendment) Act, 1981.

(2) Section 3 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 11th day of July, 1981.

2. *Insertion of new Chapter XXB.*—In the Income-tax Act, 1961 (43 of 1961), (hereinafter referred to as the principal Act), after Chapter XXA, the following Chapter shall be inserted, namely:—

'CHAPTER XXB

Requirement as to Mode of repayment in certain cases to counteract evasion of tax

269T. *Mode of repayment of certain deposits.*—(1) No company (including a banking company), co-operative society or firm shall repay to any person any deposit otherwise than by an account payee cheque or

account payee bank draft where the amount of the deposit, or where the amount of the deposit is to be repaid together with any interest, the aggregate of the amount of the deposit and such interest, is ten thousand rupees or more :

Provided that where the repayment is by a banking company or co-operative bank, such repayment may also be made by crediting the amount of such deposit to the account (if any) with such company or bank of the person to whom such deposit has to be repaid :

Provided further that nothing in this sub-section shall apply to or in relation to the repayment of any deposit on or after the date on which the Income-tax (Second Amendment) Act, 1981, receives the assent of the President.

(2) No branch of a banking company or a co-operative bank and no other company or co-operative society and no firm shall repay any deposit made with it otherwise than by an account payee cheque or account payee bank draft drawn in the name of the person who has made the deposit if—

(a) the amount of the deposit together with interest, if any, payable thereon, or

(b) the aggregate amount of the deposits held by such person with the branch of the banking company or co-operative bank or, as the case may be, the other company or co-operative society or the firm, either in his own name or jointly with any other person on the date of such repayment together with the interest, if any, payable on such deposits.

is ten thousand rupees or more :

Provided that where the repayment is by a branch of a banking company or co-operative bank, such repayment may also be made by crediting the amount of such deposit to the savings bank account or the current account (if any) with such branch of the person to whom such deposit has to be repaid :

Provided further that nothing in this subsection shall apply to or in relation to the repayment of any deposit before the date on which the Income-tax (Second Amendment) Act, 1981, receives the assent of the President.

*Explanation*.—For the purposes of this section,—

(i) "banking company" shall have the meaning assigned to it in clause (a) of the *Explanation* to subsection (8) of section 40A ;

(ii) "deposit" means any deposit of money which is repayable after notice or repayable after a period.'.

3. *Insertion of new section* 269*TT*.—In the principal Act, in Chapter XXB (as inserted by section 2), after section 269T, the following section shall be inserted, namely :—

*Mode of repayment of Special Bearer Bonds*, 1991.—"269TT. Notwithstanding anything contained in any other law for the time being in force, the amount payable on redemption of Special Bearer Bonds,

1991, shall be paid only by an account payee cheque or account payee bank draft drawn in the name of the person to whom such payment is to be made.".

4. *Insertion of new section 276E.*—After section 276D of the principal Act, the following section shall be inserted, namely:—

*Failure to comply with the provisions of section 269T.*—"276E. If a person, without reasonable cause or excuse, repays any deposit referred to in section 269T otherwise than in accordance with the provisions of that section, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine equal to the amount of such deposit.".

5. *Amendment of section 278A.*—In section 278A of principal Act, after the words, figures and letters "or section 276CC", the words, figures and letter "or section 276E" shall be inserted.

6. *Amendment of section 279.*—In section 279 of the principal Act, in sub section (1), after the word, figures and letter "section 276D,", the word, figures and letter "section 276E," shall be inserted.

7. *Repeal and saving.*—(1) The Income-tax (Amendment) Ordinance, 1981, (8 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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GOVERNMENT OF KERALA

**Irrigation and Rehabilitation (D) Department**

NOTIFICATION

No. 3627/D1/82/I&R. *Dated, Trivandrum, 24th April* 1982.

The Notification No. 1 (1)/Spl. Gell/82-SS.II(B) dated the 27th February, 1982 of Government of India, Ministry of Supply and Rehabilitation (Department of Rehabilitation) is hereby republished for general information.

By order of the Governor,
O. P. R. MENON,
*Deputy Secretary.*

GOVERNMENT OF INDIA

**Ministry of Supply and Rehabilitation**

(Department of Rehabilitation)

Jaisalmer House, Mansingh Road,
*New Delhi, the 27th February*, 1982.

NOTIFICATION

**S. O.**......In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government appoints Shri N. R. Hota, Joint Secretary in the Ministry of Supply and Rehabilitation (Department of Rehabilitation) as the Gustodian General of Evacuee Property for the purpose of performing functions assigned to such Custodian General by or under the said Act with immediate effect.

2. This supersedes Notification No. 1(21)/Spl.Gell/78-SS.II., dated the 29th December, 1979.

No.1 (1)/Spl. Gell/82-SS. II (B)
N. M. WADHWANI,
*Under Secretary to the Government of India.*

GOVERNMENT OF KERALA

**Irrigation & Rehabilitation (D) Department**

NOTIFICATION

No.3442/D1/82/I&R. *Dated, Trivandrum,* 24*th April* 1982.

The Notification No. 1 (1)/Spl-Cell/82/SS. II.(A)dated 27th February 1982 of Government of India Ministry of Supply and Rehabilitation (Department of Rehabilitation) is hereby republished for general information.

By order of the Governor,
O. P. R. Menon,
*Deputy Secretary.*

Government of India

**Ministry of Supply and Rehabilitation**

(Department of Rehabilitation)

*Jaisalmer House, Mansingh Road*
*New Delhi, the 27th February,* 1982.

Notification

**S.O.**........In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act,, 1954 (44 of 1954) the Central Government hereby appoints Shri N.R.Hota, Joint Secretary in the Department of Rehabilitation as Chief Settlement Commissioner for the purpose of performing the functions assigned to such Chief Settlement Commissioner by or under the said Act with immediate effect.

2. This supersedes Notification No. I (21)/Spl. Cell/78-SS.II., dated the 29th December, 1979.

No. I (1)/Spl. Cell/82-SS.II (A) N. M. Wadhwani,
*Under Secretary to the Government of India*

GOVERNMENT OF KERALA

**Local Administration and Social Welfare (C) Department**

**NOTIFICATION**

G.O. (Rt.) 1385/82/LA&SWD. *Dated, Trivandrum, 26th April* 1982.

**S.R.O. No. 654/82.**—In exercise of the powers conferred by subsection (2) of section 62 of the Kerala Panchayats Act, 1960 (32 of 1960), the Government of Kerala, after consulting the Kottathara Panchayat, hercby exclude from the operation of the said Act, the Public road specificd in the Schedule below, which is vested in the said Panchayat.

SCHEDULE

1. Name of District—Wynad
2. Name of Taluk—Vythiri
3. Name of Village—Kottathara and Kanniyampatta
4. Name of Panchayat—Kottathara
5. Name of Road—Kambalakkad-Venniyode Road
6. Length of Road—6.8 km.
7. Width of Road—8 meters
8. Important places it connects—Kalpetta-Cannanore Road
9. Name of the places at which the road starts and ends—Starts from Kambalakkad and ends Venniyode

By order of the Governor,
MARC. C. JOHN,
*Deputy Secretary.*

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. Rt. 692/79/PW. ½ dated 30-3-1979 Government have accorded sanction to transfer the Kambalakkad-Venniyode Road starting from Kambalakkad to Venniyode to Public Works Departments from Kottathara Panchayat for the purpose of Improvements of road, with the concurrence of the concerned Panchayat as required under the proviso to subsection (2) of section 62 of the Kerala Panchayats Act. This notification is intended to exclude the above road from the operation of the provisions of the Kerala Panchayats Act.

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## GOVERNMENT OF KERALA

### Transport Fisheries and Ports (Transport-C) Department

### NOTIFICATION

No. 2431/TC2/82/TF&P. *Dated, Trivandrum, 23rd April* 1982

**S. R. O. No.** 655/82.—Whereas representations have been received by Government from the Stage Carriage Operators specified in the annexure to this notification, that the vehicle tax for the quarters ended on the 31st December, 1981 in respect of the Stage Carriages particulars of which are specified in the said annexure could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicles may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operators of the said stage carriages could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarters ended on the 31st December, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriages due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarters ended on the 31st December, 1981 in respect of the said stage carriages;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarters ended on the 31st December, 1981 in respect of the said stage carriages ordinarily kept for use in the State shall be paid within three weeks from 30th January, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975

ANNEXURE

| Sl. No. | Name of Stage Carriage Operator. | Registration No. of the Stage Carriage. |
|---|---|---|
| (1) | (2) | (3) |
| 1 | Sri A. G. Nandakumar, Ainikunnath House, P. O. Chiyyaram, Ollur, Trichur | KLF. 2054 |
| 2 | Sri T. K. Muraleedharan, Thoppil House, Pamboor, Trichur | KLO. 3298 |
| 3 | Smt. P. Lakshmi Pillai Amma, Thoppil Veedu, Chavara | KLA. 2122, KLA. 1729 |
| 4 | Sri M. R. Thilakan, Mannanthindil House, Elthuruth P. O., Trichur | KLR. 9464 |
| 5 | Smt. P. A. Sophy, Kalathiparambil, Cherai, Pallipuram, Cochin | KLQ 3803 |
| 6 | Sri V. T. Thomas, Vazhappilly, Pallipuram, Cochin | KLM. 506 |
| 7 | Sri V. V. Antony, Valiyaveedu, Munambankara, Cochin | KRK. 4426 |
| 8 | Sri Mathai Stephen, Vadakkekkuzhikkattil, Kumily, Idukki | KLI. 1325, KLI. 1126 |
| 9 | Sri Mathew Stephen, Angel Motors, Kumily, Idukki | KLI. 894, KLI. 991, KLO. 277, KLO. 4083 |

By order of the Governor,
P. SANKARAN NAIR,
*Additional Secretary.*

**Explanatory Note**

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification)

Government have received certain representation from the Stage Carriage Operators as shown in the annexure requesting extension of time for payment of vehicle tax for the quarters ended 31st December, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

# GOVERNMENT OF KERALA

## Transport, Fisheries And Ports (Transport C) Department

## NOTIFICATION

No. 1373/TC2/82/TF&P. *Dated, Trivandrum* 1st *March*, 1982.

**S. R. O. No. 656/82**—Whereas representation has been received by Government from the Stage Carriage Operator Sri A. G. Muraleedharan, Ambattuveedu, Ernakulam that the vehicle tax for the quarters ended on the 31st December, 1980, 30th June, 1981 and 30th September, 1981 in respect of the Stage Carriage bearing Registration Number KLE. 3025 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarters ended on the 31st December, 1980, 30th June, 1981 and 30th September, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarters ended on the 31st December, 1980, 30th June, 1981 and 30th September, 1981 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarters ended on the 31st December, 1980, 30th June, 1981 and 30th September, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid within two weeks from 31st October, 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September 1975.

By order of the Governor,

P. Sankaran Nair,

*Additional Secretary.*

[P. T. O.]

## Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification);

Government have received certain representation from the Stage Carriage Operator Shri. A.G. Muraleedharan, Ambattu Veedu, Ernakulam requesting extension of time for payment of vehicle tax for the quarters ended 31st December, 1980, 30th June, 1981 and 30th September, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

## GOVERNMENT OF KERALA

### Home (B) Department

### NOTIFICATION

G.O.MS. No. 64/82/Home *Dated, Trivandrum, 4th May* 1982.

**S.R.O.657/82.**—In exercise of the powers conferred by subsection 2 of section 3 of Borstal Schools Act, 1961, the Government of Kerala hereby nominate the following persons as the non official members of the Visiting Committee of Borstal School, Cannanore for a period of two years.

1. Shri A.K. Sankaran Master, Edacherry, P.O. Pallikunnu.
2. Smt. T.P. Ambujakshi, Talap, Cannanore—2
3. Shri K.K. Phalgunan, Advocate, Edacherry, P.O. Pallikunnu
4. Shri P.P. Lakshmanan, Edacherry, P. O. Pallikunnu.

By order of the Governor,
K. Achuthan Nair,
*Joint Secretary.*

### Explanatory Note

(This is not part of the notification but is intended to indicate its purport).

The Kerala Borstal Schools Act 1961 and the Rules issued thereunder stipulate the appointment of a Visiting Committee for every Borstal School, consisting of Official and non-official members. This notification is for nominating the non-official members of the Visiting Committee of the Borstal School, Cannanore for a period of two years.



GOVERNMENT OF KERALA

**Agriculture (Co-operation) Department**

NOTIFICATION

**G.O.(P) No. 156/81/AD.** *Dated, Trivandrum, 27th April* 1981.

**S. R. O. No. 658 /82.**—In exercise of the powers conferred by sub-section (1) of Section 40 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), the Government of Kerala hereby remit in full all fees payable under the law of registration for the time being in force for the registration of documents and for obtaining encumbrance certificates thereof by any co-operative society, for the time being registered or deemed to be registered under the said Act, of which the majority of members are Harijans.

This notification shall be in force for a period of three years from the date of its publication in the Gazette.

By order of the Governor,
A.T. MOHAMEDUNNY,
*Additional Secretary*.

**Explanatory Note**

(This does not form part of the Notification but is intended to indicate its general purport.)

As per G.O. No. MS/385/73 dated 19-11-1973 (S.R.O.No. 753/73) Government had remitted in full all the fees payable under the law of Registration for registration of documents and for obtaining encumbrance certificates, to the Co-operative Societies of which majority of members were Harijans. The notification was in force for three years from the date of its issue. Now the Registrar of Co-operative Societies has proposed to grant the said concessions to the Harijan Societies for a few more years. Government have examined the matter in detail and are satisfied that the situation existed while granting concession in the said notification exists still now. Therefore, Government decide to exempt the Co-operative societies, of which majority of members are Harijans, from payment of fees under the Law of Registration and payment of fees for obtaining encumbrance certificates, for another three years. The notification is to achieve this purpose.